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Open-ended Working Group towards an Arms Trade Treaty: establishing common international standards for the import, export and transfer of conventional arms
Second substantive session
New York, 13-17 July 2009

Report of the Open-ended Working Group towards an Arms Trade Treaty: establishing common international standards for the import, export and transfer of conventional arms

I. Introduction

1. By its resolution 63/240 entitled "Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms", the General Assembly decided to establish an open-ended working group, to meet for up to 6 one-week sessions starting in 2009, in order to facilitate further consideration on the implementation of the relevant recommendation contained in paragraph 27 of the Report of the Group of Governmental Experts to examine the feasibility, scope and draft parameters for a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms,[1] on a step-by-step basis among all States Members of the United Nations, in an open and transparent manner.

2. By paragraph 5 of its resolution 63/240, the General Assembly further decided that the Open-ended Working Group would, during 2009, further consider those elements in the report of the Group of Governmental Experts where consensus could be developed for their inclusion in an eventual legally binding treaty on the import, export and transfer of conventional arms which would provide a balance giving benefit to all, with the principles of the Charter of the United Nations and other existing international obligations at the centre of such considerations, and transmit an initial report from the Working Group to the Assembly for consideration at its sixty-fourth session.

[1] See A/63/334.

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II. Organizational matters

A. Opening and duration of the sessions

3. Pursuant to General Assembly resolution 63/240, the Open-ended Working Group towards an Arms Trade Treaty: establishing common international standards for the import, export and transfer of conventional arms, held an organizational session on 23 January and two substantive sessions from 2 to 6 March and 13 to 17 July 2009. During the course of its sessions, the Open-ended Working Group held 19 meetings, including two organizational meetings.

4. The Department for General Assembly and Conference Management provided the Secretary of the Open-ended Working Group. The Office for Disarmament Affairs provided support to the Working Group on substantive issues.

5. The organizational session was opened by the High Representative for Disarmament Affairs, who conducted the appointment of the Chairperson of the Open-ended Working Group. At the first substantive session, on 2 March, the Deputy to the High Representative delivered a statement on his behalf.

B. Officers

6. At its organizational session, on 23 January, at the 1st and 8th meetings of the first substantive session, on 2 and 6 March and at the 1st meeting of the second substantive session, on 13 July 2009, the Open-ended Working Group appointed the following officers for the sixty-third session of the General Assembly by acclamation:

Chairperson:

Roberto García Moritán (Argentina)

Vice-Chairpersons:

Bulgaria, Czech Republic, Finland, Japan, Kenya, South Africa, Switzerland, Uruguay and Yemen.

C. Adoption of the agenda

7. At the first substantive session, the Open-ended Working Group adopted its provisional agenda (A/AC.277/2009/L.2/Rev.1), as follows:

1. Adoption of the agenda.
2. Statement by the High Representative for Disarmament Affairs.
3. Appointment of members of the Bureau.
4. Goals and objectives of a feasible arms trade treaty.
5. Consideration of the scope of a potential arms trade treaty.
6. Consideration of the principles and draft parameters of a potential arms trade treaty.
7. Other aspects to be addressed by a potential arms trade treaty.

8. Other matters.

8. At the second substantive session, the Open-ended Working Group adopted its provisional agenda (A/AC.277/2009/L.3), as follows:

1. Adoption of the agenda.

2. Appointment of members of the Bureau.

3. Goals and objectives of a feasible arms trade treaty.

4. Consideration of the scope of a potential arms trade treaty.

5. Consideration of the principles and draft parameters of a potential arms trade treaty.

6. Other aspects to be addressed by a potential arms trade treaty.

7. Report to the General Assembly at its sixty-fourth session.

8. Other matters.

9. At the 1st meeting of its first substantive session, on 2 March, the Open-ended Working Group decided to accredit the Defense Small Arms Advisory Council to meetings of the Open-ended Working Group for the sixty-third session of the General Assembly. The Open-ended Working Group also decided that the decision should not set a precedent and should be strictly limited to participation in meetings of the Open-ended Working Group.

D. Documentation

10. The Open-ended Working Group had before it the following documents:

(a) Provisional agenda for the organizational session (A/AC.277/2009/L.1)

(b) Provisional agenda for the first substantive session (A/AC.277/2009/L.2/Rev.1)

(c) Provisional agenda for the second substantive session (A/AC.277/2009/L.3)

(d) Draft report of the Open-ended Working Group towards an Arms Trade Treaty: establishing common international standards for the import, export and transfer of conventional arms (A/AC.277/2009/L.4/Rev.1)

(e) Documentation of the Open-ended Working Group (A/AC.277/2009/INF/1/Rev.1)

(f) Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms — note by the Secretary-General (A/63/334)

(g) Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms — report of the Secretary-General (A/62/278 (Parts I and II) and Add.1-4).

III. Proceedings of the Open-ended Working Group at its first and second substantive sessions

A. Goals and objectives of a feasible arms trade treaty

11. At the 1st, 2nd and 3rd meetings of its first substantive session, held on 2 and 3 March 2009, the Open-ended Working Group discussed goals and objectives of a feasible arms trade treaty. Statements were made by the representatives of Algeria, Argentina, Australia, Austria, Belarus, Brazil, Canada, China, Colombia, Cuba, the Czech Republic (on behalf of the European Union and the associated countries), Egypt, El Salvador, Finland, Germany, India, Indonesia, Ireland, Israel, Italy, Japan, Kenya, Mexico, Morocco, the Netherlands, New Zealand, Nigeria, Pakistan, Portugal, Qatar, the Republic of Korea, the Russian Federation, Saudi Arabia, South Africa, Spain, Sweden, Switzerland, Togo, Trinidad and Tobago, Turkey, the United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of) and Yemen (on behalf of the Group of Arab States). A statement was also made by the observer of the Holy See.

12. At the 1st and 2nd meetings of its second substantive session, held on 13 July 2009, statements under this agenda item were made by the representatives of Argentina, Brazil, Canada, China, France, Guatemala, India, Indonesia, Italy, Japan, Kenya, Mexico, New Zealand, Nigeria (on behalf of the African Group), Peru, the Russian Federation, Sweden (on behalf of the European Union and the associated countries), Switzerland, Ukraine and the United Republic of Tanzania. A statement was also made by the observer for the International Committee of the Red Cross.

B. Consideration of the scope of a potential arms trade treaty

13. At the 4th and 5th meetings of its first substantive session, held on 3 and 4 March 2009, the Open-ended Working Group discussed agenda item 5, entitled "Consideration of the scope of a potential arms trade treaty". Statements were made by the representatives of Argentina, Austria, Australia, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Canada, China, Colombia, Congo, Côte d'Ivoire, Cuba, Egypt, El Salvador, Finland, France, Germany, Indonesia, Ireland, Israel, Italy, Japan, Mexico, the Netherlands, New Zealand, Nigeria, Pakistan, the Republic of Korea, Romania, the Russian Federation, South Africa, Spain, Sweden, Switzerland, Togo, Trinidad and Tobago, the United Kingdom and Uruguay. A statement was also made by the observer for the International Committee of the Red Cross.

14. At the 2nd and 3rd meetings of its second substantive session, held on 13 and 14 July 2009, statements under this agenda item were made by the representatives of Argentina, Australia, Brazil, Canada, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Egypt, El Salvador, Finland, Germany, Guatemala, India, Indonesia, Italy, Japan, Mexico, the Netherlands, New Zealand, Nicaragua, Pakistan, Peru, Romania, the Russian Federation, South Africa, Switzerland, the United States of America and Uruguay. Statements were also made by the observer of Palestine and the observer for the International Committee of the Red Cross.

C. Consideration of the principles and draft parameters of a potential arms trade treaty

15. At the 6th and 7th meetings of its first substantive session, held on 5 March 2009, the Open-ended Working Group discussed agenda item 6, entitled "Consideration of the principles and draft parameters of a potential arms trade treaty". Statements were made by the representatives of Algeria, Argentina, Australia, Belarus, Brazil, Bulgaria, Canada, China, Colombia, Côte d'Ivoire, Cuba, Ecuador, Egypt, France, Germany, India, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Morocco, the Netherlands, New Zealand, Nigeria, Norway, Pakistan, Paraguay, the Republic of Korea, Romania, the Russian Federation, Slovenia, South Africa, Spain, Switzerland, Togo, Trinidad and Tobago, the United Kingdom, the United States and Uruguay. A statement was also made by the observer for the International Committee of the Red Cross.

16. At the 4th and 5th meetings of its second substantive session, held on 14 and 15 July 2009, statements under this agenda item were made by the representatives of Argentina, Belarus, Belgium, Brazil, Bulgaria, Canada, Chile, China, Colombia, Côte d'Ivoire, Cuba, the Czech Republic, Egypt, France, Germany, Guatemala, India, Indonesia, Israel, Iran (Islamic Republic of), Italy, Japan, Kenya, the Netherlands (also on behalf of Liberia), Nigeria, Norway, Pakistan, Portugal, Romania, the Russian Federation, Samoa, Saudi Arabia, Sierra Leone, Singapore, South Africa and Uruguay. Statements were also made by the observer of Palestine and the observer for the International Committee of the Red Cross.

D. Other aspects to be addressed by a potential arms trade treaty

17. At the 8th meeting of its first substantive session, held on 6 March 2009, the Open-ended Working Group discussed agenda item 7, entitled "Other aspects to be addressed by a potential arms trade treaty". Statements were made by the representatives of Algeria, Argentina, Chile, Colombia, Cuba, the Czech Republic (on behalf of the European Union and the associated countries), Iran (Islamic Republic of), Israel, Jamaica, Kenya, Mexico, Morocco, Nigeria (on behalf of the African Group), Peru, the Republic of Korea, the Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia and Singapore.

18. At the 6th meeting of its second substantive session, held on 15 July 2009, statements under this agenda item were made by the representatives of Egypt, France, India, Italy, Jamaica (on behalf of the Caribbean Community), Japan, Nigeria, Paraguay, the Russian Federation, Spain, the United Kingdom, the United Republic of Tanzania and the United States.

19. On 16 July, the Open-ended Working Group suspended the 7th meeting of its second substantive session for an informal exchange of views with representatives of civil society.

E. General

20. In accordance with its mandate as contained in paragraph 5 of General Assembly resolution 63/240, the Open-ended Working Group considered, in an open

and transparent manner and in accordance with its agenda, possible elements of an eventual legally binding treaty establishing common international standards for the import, export and transfer of conventional arms, which would provide a balance giving benefit to all, with the principles of the Charter of the United Nations and other existing international obligations at the centre of such considerations.

21. Through the Open-ended Working Group, all Member States had the opportunity to express extensively their points of view concerning the goals and objectives of a feasible arms trade treaty; the scope of a potential arms trade treaty; the principles and draft parameters of a potential arms trade treaty; and other aspects to be addressed by a potential arms trade treaty.

22. The Group acknowledged that respective responsibilities exist for both exporters and importers to address the current situation, based on the principles established in the United Nations Charter, in a non-discriminatory manner.

23. The Open-ended Working Group also recognized the need to address the problems relating to unregulated trade in conventional weapons and their diversion to the illicit market. Considering that such risks can fuel instability, international terrorism, and transnational organized crime, the Group supports that international action should be taken to address the problem.

24. As a subsidiary organ of the General Assembly, the two substantive sessions of the Open-ended Working Group held in 2009 were conducted in a deliberative and inclusive manner, and all Member States were mindful of the importance of reaching general agreement on the issues under discussion in accordance with its agenda and its mandate contained in paragraph 5 of General Assembly resolution 63/240.

25. The Open-ended Working Group, established as part of the step-by-step approach to a possible arms trade treaty, without prejudice to the eventual outcome, as recommended by the Group of Governmental Experts, allowed for constructive, in-depth, and extensive discussion on the elements regarding objectives, goals, scope, parameters and other aspects where consensus could be developed for their inclusion in a possible treaty.

IV. Adoption of the report

26. At the 8th and 9th meetings of its second substantive session on 16 and 17 July, the Open-ended Working Group considered agenda item 7, entitled "Report to the General Assembly at its sixty-fourth session".

27. At the 9th meeting, the Open-ended Working Group adopted its draft report (A/AC.277/2009/L.4/Rev.1).